

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

RECEIVED
NOV 15 2007
UTAH STATE
INSURANCE DEPT

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

EMPIRE LAND TITLE, INC.
15 North 100 East, Suite 200
Provo, UT 84606
License No. 1847

**STIPULATION
&
ORDER**

Docket No. 2007-123-LC

Enf. Case No. 2002

STIPULATION

1. Respondent, Empire Land Title, Inc., is a licensed title insurance agency in the State of Utah, holding License No. 1847.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

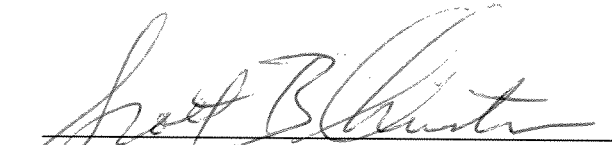
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

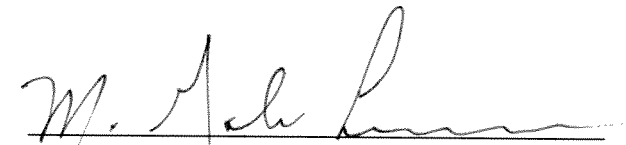
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 12th day of November, 2007.


EMPIRE LAND TITLE
Scott B. Christensen, Secretary/Treasurer


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On or about September 20, 2006, Respondent acted as a title and escrow agent for a real estate transaction for property located in Orem, Utah.
2. Respondent charged the seller the re-issue rate for title insurance when there had not been any title work done on that property for over 5 years, and the regular rate should have been charged.
3. Respondent's owner, Scott B. Christensen, admitted that the lower rate was given to the seller for competitive reasons and to keep its business.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In charging a reduced rate for title insurance, Respondent violated Utah Code Annotated § 31A-23a-402(c).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. The Respondent be assessed an administrative forfeiture in the amount of \$5,000.00, to be paid within 30 days of the date of the imposition of the penalty by the Title and Escrow

Commission.

DATED this 26th day of November, 2007.

D. KENT MICHIE
INSURANCE COMMISSIONER




MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

IMPOSITION OF PENALTY

By a vote of 5 to 0, taken in open meeting on this date, the Title and Escrow
Commission hereby imposes the penalties recommended in the Order herein above.

Dated this 11 day of FEB, 2007.



GLEN ROBERTS, Chairman
Title and Escrow Commission

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.


You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CONCURRENCE WITH COMMISSION IMPOSED PENALTY

On behalf of the Commissioner of the Utah Insurance Department I hereby concur with the penalty imposed by the Utah Title Commission in the above matter.

DATED this 15th day of May 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge

UTAH
Invoice - Original

Page 1

Printed Date: May 15, 2008

Invoice Date: May 15, 2008
Balance Due: \$5,000.00
Due Date: July 14, 2008
Invoice ID: 379162
Payor ID: 6475

SCOTT B CHRISTENSEN
EMPIRE LAND TITLE INC
15 NORTH 100 EAST STE 200
PROVO UT 84606

Item Description	Amount
5/15/2008 Monetary Penalty Agency	\$5,000.00
E Case 2002 Docket 2007-123 LC	
Original Amount Due	\$5,000.00

UTAH
Invoice - Original

Invoice Date: May 15, 2008
Balance Due: \$5,000.00
Due Date: July 14, 2008
Invoice ID: 379162
Payor ID: 6475
Payor Name: EMPIRE LAND TITLE,
INC

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

CERTIFICATE OF MAILING


I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Empire Land Title Inc
15 North 100 East Suite 200
Provo, UT 84606

DATED this 15th day of May, 2008.



Angie Thomas Court Clerk
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901